<u>REMARKS/ARGUMENTS</u>

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 11-24 are presently pending in this case. Claims 11, 15, and 17-22 are amended and new Claims 23 and 24 are added by the present amendment. As amended Claims 11, 15, and 17-22 and new Claims 23 and 24 are supported by the original disclosure,[1] no new matter is added.

In the outstanding Official Action, Claims 11, 14-16, 19, 20, and 22 were rejected under 35 U.S.C. §112, first paragraph; Claims 11-14 and 17-21 were rejected under 35 U.S.C. §102(b) as anticipated by <u>Misawa</u> (Japanese Patent Application Publication No. 2002-208900); and Claims 15, 16, and 22 were rejected under 35 U.S.C. §102(b) as anticipated by <u>Ikuo et al.</u> (Japanese Patent Application Publication No. 2002-342351, hereinafter "<u>Ikuo</u>").

With regard to the information disclosure statements filed July 21, 2006 and December 18, 2007, it is respectfully noted that copies of the cited references were provided with these IDSs. Accordingly, both IDSs are in compliance with 37 C.F.R. §1.98. PTO forms 1449s indicating these references as considered are respectfully requested with the next office communication.

With regard to the rejection of Claims 11, 14-16, 19, 20, and 22 under 35 U.S.C. §112, first paragraph, paragraphs 34 and 56 of the publication of the specification describe that computer programs can be stored in RAM or ROM and read out by a CPU. It is respectfully submitted that one of ordinary skill in the art would clearly recognize that this supports the computer readable medium recited in Claims 19 and 20. With regard to Claim 11, paragraph 90 of the publication describes that client terminal 2 determines whether or not the detection period has passed, not server PS. With regard to Claim 14, paragraph 83 of the

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[1]See, e.g., the publication of the specification at paragraphs 82, 83, and 90.

specification describes that a user can specify a detection period. With regard to Claims 15

and 22, paragraph 46 of the specification describes that client terminal 2 communicates with

server PS through communication processing section 16 and network interface 17. Finally,

with regard to Claim 16, paragraph 90 of the specification describes that client terminal 2

determines if the predetermined time period has passed, and if so sends a request to server

PS. Consequently, Claims 11, 14-16, 19, 20, and 22 are in compliance with all requirements

under 35 U.S.C. §112, first paragraph.

With regard to the rejection of Claims 11-14 and 17-21 as anticipated by Misawa, that

rejection is respectfully traversed.

Amended Claim 11 recites in part:

> a determining unit configured to determine if a
> condition relative to a predetermined time period is met; and
> a communication unit configured to *automatically
> transmit* to a server a request for obtaining a number of times
> contents were broadcasted *when the condition relative to the
> predetermined time period is met*, and to receive the number of
> times contents were broadcasted from said server as a response
> to the request.

Misawa describes an on-air information collecting system that appears to

automatically collect on-air information and provides the on-air information in response to a

manually generated customer order.[2] The outstanding Office Action asserted that the weekly

data accumulation function in the server of Misawa describes "a determining unit" as recited

in Claim 11. However, assuming *arguendo* the server of Misawa can be the claimed

"determining unit," Misawa does not describe that any part of the described system

*automatically transmits* to a server a request for obtaining a number of times contents were

broadcasted *when the condition relative to the predetermined time period is met*. In fact, as

Misawa does not describe that the server transmits the information asserted to be "when a

predetermined time period is met," no other entity can send a server a request based on such

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[2]See Misawa, paragraph 20.

information. Therefore, it is respectfully submitted that <u>Misawa</u> cannot teach "a

communication unit" as defined in amended Claim 11. Consequently, Claim 11 (and Claims

12-14 and 23 dependent therefrom) is patentable over <u>Misawa</u>.

Amended Claims 17 and 19 recite in part:

> ***automatically transmitting request information*** to
> request broadcast contents information to a storage device
> configured to store broadcast contents information including
> the titles of the broadcast contents that will be broadcasted by
> one or more broadcasting stations ***each time an amount of
> time equal to a predetermined time period elapses***;
> receiving the broadcast contents information
> transmitted from said storage device corresponding to the
> request information; and
> detecting a number of times contents were broadcasted
> included in the broadcast contents information received in said
> transmitting.

<u>Misawa</u> describes an on-air information collecting system that appears to

automatically collect on-air information and provides the on-air information in response to a

manually generated customer order.[3] Thus, it is respectfully submitted that <u>Misawa</u> does not

describe automatically transmitting request information each time an amount of time equal to

a predetermined time period lapses. Therefore, it is respectfully submitted that <u>Misawa</u> does

not teach "transmitting" as defined in amended Claims 17 and 19. Consequently, Claims 17

and 19 are patentable over <u>Misawa</u>.

Amended Claims 18 and 20 recite in part:

> storing broadcast contents information including the
> broadcasting time and date and the titles of the broadcast
> contents that will be broadcasted by one or more broadcasting
> stations in a storage medium;
> ***receiving search condition information to specify at
> least one of the title and the broadcasting station name of a
> broadcast program as a search condition from an external
> device***;
> ***searching said storage medium for broadcast contents
> information corresponding to said search condition based on
> said search condition information received in said receiving***;

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[3]See <u>Misawa</u>, paragraphs 13 and 20.

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> determining a number of times contents were
> broadcasted in the broadcast contents information that was
> obtained as the search result in said searching; and
> transmitting information based on said number of times
> contents were broadcasted for said broadcast contents detected
> in said determining to said external device.

Misawa describes that reports can be provided to manually generated user requests including daily or weekly reports. However, Misawa does not describe Thus, it is respectfully submitted that Misawa does not describe receiving search condition information to specify *at least one of the title and the broadcasting station name* of a broadcast program as a search condition from an external device, or searching based on such search condition information. Therefore, it is respectfully submitted that Misawa does not teach "receiving" and "searching" as defined in amended Claims 18 and 20. Consequently, Claims 18 and 20 are patentable over Misawa.

Amended Claim 21 recites in part:

> determining means for *determining if a condition
> relative to a predetermined time period is met*; and
> communication means for *automatically transmitting*
> to a server a request for obtaining a number of times contents
> were broadcasted *when the condition relative to the
> predetermined time period is met*, and receiving the number of
> times contents were broadcasted from said server as a response
> to the request.

As noted above, Misawa does not describe any device that automatically transmits to a server *a request for obtaining a number of times contents were broadcasted when the condition relative to the predetermined time period is met*. Therefore, it is respectfully submitted that Misawa does not teach "communication means" as defined in amended Claim 21. Consequently, Claim 21 is patentable over Misawa.

With regard to the rejection of Claims 15, 16, and 22 as anticipated by Ikuo, that rejection is respectfully traversed.

Amended Claim 15 recites in part:

> a storage unit configured to store broadcast contents information including the broadcasting time or date, and titles of the broadcast contents;
> *a communication unit configured to receive* from an external device a request for obtaining a number of times contents were broadcasted and *a search condition including at least one of a broadcasting period, a title, and a broadcasting station*, said communication unit configured to transmit to said external device the information representing the number of times contents were broadcasted *as a response to the request*; and
> *a controller configured to search said storage unit and to generate information representing said number of times contents were broadcasted based on said search condition*.

Ikuo describes a system in which a database stores a program code corresponding to musical pieces played on the radio. If the user hears a song they like but don't know the name of, they can remember the program code displayed on the radio and look up the name in the database. Thus, it is respectfully submitted that Ikuo does not describe that any part of the described system is configured to *receive a search condition including at least one of a broadcasting period, a title, and a broadcasting station*, search the on-air information *to generate information representing said number of times contents were broadcasted* based on such a search condition, or transmit *information representing the number of times contents were broadcasted* as a response to such a request. Therefore, it is respectfully submitted that Ikuo does not teach "a communication unit" and "a controller" as defined in amended Claim 15. Consequently, Claim 15 (and Claims 16 and 24 dependent therefrom) is patentable over Ikuo.

New Claim 22 recites in part:

> storage means for storing broadcast contents information including the broadcasting time or date, and titles of the broadcast contents;
> *communication means for receiving* from an external device a request for obtaining a number of times contents were broadcasted and *a search condition including at least one of a broadcasting period, a title, and a broadcasting station, said*
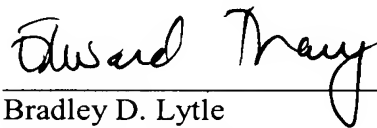
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> *communication means transmitting to said external device
> the information representing the number of times contents
> were broadcasted* as a response to the request; and
>     control means for searching said storage and *to
> generate information representing said number of times
> contents were broadcasted* based on said search condition.

As noted above, <u>Ikuo</u> describes a system in which a database stores a program code corresponding to musical pieces played on the radio. <u>Ikuo</u> does not appear to describe a number of times contents were broadcasted. Thus, it is respectfully submitted that <u>Ikuo</u> does not describe any means for receiving *a search condition including at least one of a broadcasting period, a title, and a broadcasting station*, control means for searching the on-air information *to generate information representing said number of times contents were broadcasted* based on such a search condition, or means for transmitting *information representing the number of times contents were broadcasted* as a response to such a request. Therefore, it is respectfully submitted that <u>Ikuo</u> does not teach "communication means" and "control means" as defined in new Claim 22. Consequently, Claim 22 is patentable over <u>Ikuo</u>.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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